

IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF TEXAS
FORT WORTH DIVISION

UNITED STATES OF AMERICA,) CASE NO. 4:16-CR-132-A
)
Government,)
) FORT WORTH, TEXAS
VERSUS)
) OCTOBER 7, 2016
JOSHUA JAMES MILSON (27),)
)
Defendant.) 11:18 A.M.

VOLUME 1 OF 1
TRANSCRIPT OF REARRAIGNMENT
BEFORE THE HONORABLE JOHN McBRYDE
UNITED STATES DISTRICT COURT JUDGE

A P P E A R A N C E S :

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P R O C E E D I N G S

October 7, 2016 - 11:18 a.m.

COURT SECURITY OFFICER: All rise.

(Judge enters)

COURT SECURITY OFFICER: Please be seated.

THE COURT: Okay. We have three rearraignments, all in the same case. It's Case Number 4:16-CR-132-A. We'll start with -- and it's United States of America versus the three defendants, Joshua James Milson, Megan Kemp, and Shauna Lynn Vickers.

We'll start by having Joshua James Milson come forward.

The government is represented by Mr. Smith, and Mr. Milson is represented by Mr. Couch.

Mr. Milson, raise your right hand to be sworn.

(Defendant Milson sworn)

THE COURT: Mr. Milson, do you understand that you're now under oath and that if you answer any of my questions falsely, your answers could later be used against you in a prosecution for perjury or making a false statement?

DEFENDANT MILSON: Yes, Your Honor.

THE COURT: Do you read, write, understand, and speak the English language proficiently?

DEFENDANT MILSON: Yes, sir, Your Honor.

THE COURT: What is your full name?

1 *DEFENDANT MILSON:* Joshua James Milson.

2 *THE COURT:* Okay. Why don't you and Mr. Couch step
3 back just a minute.

4 And I'll call forward now in this same case
5 Defendant Megan Kemp, and she's represented by Aaron Graham.

6 Ms. Kemp, raise your right hand to be sworn.

7 (Defendant Kemp sworn)

8 *THE COURT:* Ms. Kemp, do you understand that you're
9 now under oath and that if you answer any of my questions
10 falsely, your answers could later be used against you in a
11 prosecution for perjury or making a false statement?

12 *DEFENDANT KEMP:* Yes, sir.

13 *THE COURT:* Do you read, write, understand, and
14 speak the English language proficiently?

15 *DEFENDANT KEMP:* Yes, sir.

16 *THE COURT:* What is your full name?

17 *DEFENDANT KEMP:* Megan Eleanor Kemp.

18 *THE COURT:* Spell the middle name for me.

19 *DEFENDANT KEMP:* E-L-E-A-N-O-R.

20 *THE COURT:* Okay. Why don't you and your attorney
21 step back just a minute.

22 Okay. I'll call forward now in this same case
23 Defendant Shauna Lynn Vickers, and she's represented by
24 Ms. Bowers.

25 Ms. Vickers, raise your right hand to be sworn.

1 (Defendant Vickers sworn)

2 THE COURT: Ms. Vickers, do you understand that
3 you're now under oath and that if you answer any of my
4 questions falsely, your answers could later be used against
5 you in a prosecution for perjury or making a false statement?

6 DEFENDANT VICKERS: Yes, sir.

7 THE COURT: Okay. I now have in front of me
8 Defendants Milson, Kemp, and Vickers. My understanding is
9 that each of you has in mind and is here with the intent to
10 plead guilty to the offense charged by Count 1 of the second
11 superseding indictment in this case, and that's the count
12 charging each of you with conspiracy to possess with intent to
13 distribute a controlled substance.

14 So listen closely, I'm going to give you some
15 explanations first about your constitutional rights, what your
16 rights would be if you persist in your plea of not guilty.

17 You and each of you may, if you choose, plead not
18 guilty to any offense charged against you or persist in that
19 plea if it already has been made. If you plead not guilty,
20 the Constitution of the United States guarantees to you the
21 following rights:

22 The right to a speedy and public trial by a jury in
23 this district.

24 The right at such a trial for you to confront, that
25 is, to see, hear, and cross-examine all witnesses against you.

1 The right at your trial to testify and present
2 evidence and to compel the attendance of witnesses.

3 The right to be represented by counsel, a counsel
4 appointed by the Court for you, if necessary, at trial and at
5 every other stage of the proceeding.

6 You cannot be compelled to testify, and you are to
7 be protected from compelled self-incrimination. The decision
8 of whether you will testify or not is a matter in which your
9 judgment will control.

10 The United States Government must prove your guilt
11 beyond a reasonable doubt.

12 If you're found guilty, you have the right to appeal
13 your conviction.

14 Defendant Milson, do you understand that you have
15 those constitutional rights?

16 *DEFENDANT MILSON:* Yes, Your Honor.

17 *THE COURT:* Defendant Kemp, do you understand that
18 you have those constitutional rights?

19 *DEFENDANT KEMP:* Yes, Your Honor.

20 *THE COURT:* Defendant Vickers, do you understand
21 that you have those constitutional rights?

22 *DEFENDANT VICKERS:* Yes, Your Honor.

23 *THE COURT:* I want to give you some further
24 explanations that are very important because of your intent to
25 plead guilty, so listen closely to these.

1 If you plead guilty and if such a plea is accepted
2 by the Court, there will not be a further trial of any kind.
3 So by pleading guilty, you waive the right to a trial, as well
4 as those other rights associated with a trial as I have
5 described them. Generally a defendant who is accused of a
6 crime cannot plead guilty unless he or she is actually guilty
7 of that crime.

8 In federal court, the judge determines the penalty
9 if a defendant is convicted, whether it is on a verdict of a
10 jury or on a plea of guilty.

11 Other than the staff of the court, the Court has not
12 and will not talk to anyone about the facts of your case,
13 except here in your presence, where you, your attorney, and
14 representatives of the government are all present.

15 If you should be convicted, you and your lawyer each
16 will be given an opportunity to present to the Court any pleas
17 for leniency. The penalty will be decided on the basis of the
18 facts set forth in the Presentence Report and facts heard
19 here.

20 You should never depend or rely upon any statement
21 or promise by anyone, whether connected with a law enforcement
22 agency, or the government, or anyone else as to what penalty
23 will be assessed against you.

24 Should you decide to plead guilty, your plea of
25 guilty must not be induced or prompted by any promises, mental

1 pressure, threats, force, coercion, or pressure of any kind.
2 A plea of guilty must be purely voluntary, and you should
3 plead guilty only because you are guilty and for no other
4 reason.

5 Now, the offense to which you propose to plead
6 guilty is a felony. An adjudication of guilt of such an
7 offense may deprive a defendant of valuable rights, such as
8 the right to vote, to hold public office, to serve on a jury,
9 to possess any kind of firearm, and other rights.

10 If convicted on a plea of guilty or at trial, a
11 defendant who is not a United States citizen may be removed
12 from the United States and denied citizenship and denied
13 admission to the United States in the future.

14 Defendant Milson, have you understood the further
15 explanations I've given you?

16 *DEFENDANT MILSON:* Yes, sir, I have, Your Honor.

17 *THE COURT:* Defendant Kemp, have you understood the
18 further explanations I've given you?

19 *DEFENDANT KEMP:* Yes, sir, Your Honor.

20 *THE COURT:* Defendant Vickers, have you understood
21 the further explanations I've given you?

22 *DEFENDANT VICKERS:* Yes, Your Honor.

23 *THE COURT:* Okay. I'm going to give all of you some
24 explanations now about the sentencing process, and they are
25 important, very important, bearing in mind your intent to

1 plead guilty, so listen closely.

2 Under the Sentencing Reform Act of 1984, the United
3 States Sentencing Commission has issued guidelines for judges
4 to follow in determining the sentence in a criminal case. The
5 guidelines have been determined to be advisory only, but they
6 are important because the Court must take the guideline
7 sentencing ranges into account when sentencing a defendant.

8 Before I go any further, Defendant Milson, have you
9 and your attorney discussed how the sentencing guidelines
10 might apply to your case?

11 *DEFENDANT MILSON:* Yes, sir, we have.

12 *THE COURT:* Defendant Kemp, have you and your
13 attorney discussed how the sentencing guidelines might apply
14 to your case?

15 *DEFENDANT KEMP:* Um, honestly, I'm not really sure
16 at this time.

17 *MR. GRAHAM:* Your Honor, if I may address the Court?

18 *THE COURT:* Come up. Why don't y'all walk up toward
19 the microphone here, so we can hear what you're saying.

20 I'm not sure what Ms. Kemp said. Ms. Kemp, repeat
21 what you just said.

22 *DEFENDANT KEMP:* I'm not really sure at this time,
23 sir.

24 *MR. GRAHAM:* A new development this morning is that
25 Ms. Kemp wishes to withdraw her execution of the factual

1 resume and maintain her --

2 *THE COURT:* She doesn't want to plead guilty?

3 *MR. GRAHAM:* That's right, Judge.

4 *THE COURT:* Why don't you just come right out and
5 say it.

6 *MR. GRAHAM:* Yes, sir.

7 *THE COURT:* She doesn't have to, if she doesn't want
8 to.

9 *MR. GRAHAM:* Okay.

10 *THE COURT:* Is that what you're wanting to tell me,
11 Ms. Kemp?

12 *DEFENDANT KEMP:* Yes, sir, it is.

13 *THE COURT:* Okay. Well, she's remanded to custody,
14 and you're excused.

15 *MR. GRAHAM:* Thank you, Judge.

16 (Continuing with Defendants Milson and Vickers:)

17 *THE COURT:* Ms. Vickers, have you understood those
18 additional explanations I've given you?

19 *DEFENDANT VICKERS:* Yes, Your Honor.

20 *THE COURT:* Okay. I'm going to -- well, I lost
21 track of where I was.

22 Have you and your attorney discussed how the
23 sentencing guidelines might apply to your case?

24 *DEFENDANT VICKERS:* Yes, Your Honor.

25 *THE COURT:* Okay. Going on now with the

1 explanations about the sentencing process:

2 In determining your sentence, the Court is obligated
3 to calculate the sentencing guideline ranges applicable to
4 your case and is required to consider those ranges, possible
5 departures under the sentencing guidelines, and other
6 sentencing factors under 18 United States Code Section
7 3553(a).

8 The Court is not bound by facts that are stipulated
9 between the defendant on the one hand and the government on
10 the other. The Court can impose punishment that might
11 disregard stipulated facts or take into account facts not
12 mentioned in the stipulated facts. You might not be permitted
13 to withdraw your plea of guilty if that were to occur.

14 The Court will not be able to determine the
15 guideline sentence for your case until after the Presentence
16 Report has been completed and you and the government have had
17 an opportunity to challenge the facts and conclusions reported
18 by the probation officer.

19 After the Court has determined what guidelines apply
20 to a case, the Court has the authority in some circumstances
21 to impose a sentence that is more severe or less severe than
22 the sentence called for by the guidelines.

23 Under some circumstances, the defendant or the
24 government may have the right to appeal any sentence the Court
25 imposes.

1 Parole has been abolished, and if you're sentenced
2 to prison, you will not be released on parole.

3 Now, as soon as this hearing is over this morning as
4 to each of you, your attorney will go across the hall with a
5 form that's been provided and set up a time when the probation
6 officer who will be assigned to your case can interview you.

7 Your attorney can be present when that interview
8 occurs, if appropriate arrangements are made, and I'll add
9 that the degree of your cooperation with the probation officer
10 can be a severity -- a factor in the severity of your
11 sentence. That's something you'll want to discuss with your
12 attorney.

13 The purpose of that interview is so the probation
14 officer who will be assigned to your case can obtain from you
15 information you have relevant to the sentencing process. In
16 addition to obtaining information from you on that subject,
17 the probation officer will obtain information from several
18 other sources, such as the prosecutor, the investigating
19 agency, maybe your family members, perhaps your employer or
20 former employers, and maybe from other sources.

21 Once the probation officer has enough information to
22 form opinions as to which of the sentencing guidelines apply
23 to your case and what the sentencing ranges are in your case,
24 the probation officer will prepare a written document called a
25 Presentence Report and will put in that document his or her

1 opinions on that subject.

2 In addition, the probation officer will put in that
3 document a recitation of the facts that he or she relied on in
4 reaching those opinions. You'll get a copy of that report,
5 the one applicable to you once it's prepared, and the
6 attorneys in your case will get copies, and I'll get the
7 original.

8 I rely very heavily on those reports in determining
9 what sentence to impose, so they need to be as complete and as
10 accurate as possible. When you receive your copy of the
11 report applicable to you, read it over very carefully, and if
12 you think there's anything in it that's incorrect or if you
13 think something has been left out of the report that should be
14 in it, tell your lawyer because your lawyer has the right to
15 object to the report, and presumably will if what you tell
16 your lawyer is a basis for a legal objection, and I'll rule on
17 whatever objections are made at or before the sentencing
18 hearing.

19 Of course, you and your lawyer each will be
20 permitted to speak on your behalf in mitigation at the
21 sentencing hearing.

22 Now, the sentencing hearing in the case of each of
23 you will be on February 24, 2017, before me in this courtroom.
24 I'll be signing an order today as to each of you fixing that
25 time and date for sentencing and establishing a timetable for

1 accomplishment of things that have to be accomplished between
2 now and then. The attorneys in each case will receive copies
3 of the order applicable to that case, and in each case the
4 defendant's attorney will see that his client receives a copy.

5 Defendant Milson, have you understood the
6 explanations I've given you about the sentencing process?

7 *DEFENDANT MILSON:* Yes, Your Honor, I have.

8 *THE COURT:* Defendant Vickers, have you understood
9 the explanations I've given you about the sentencing process?

10 *DEFENDANT VICKERS:* Yes, Your Honor, I have.

11 *THE COURT:* Okay. Michelle?

12 *COURTROOM DEPUTY:* Yes, Your Honor.

13 *THE COURT:* Give me the factual resumes in both of
14 them. Thank you.

15 The next thing I'm going to review with each of you
16 is the things the government has to prove to a jury beyond a
17 reasonable doubt to cause you to be convicted of the offense
18 charged against you by the indictment in this case. That
19 offense is conspiracy to possess with intent to distribute a
20 controlled substance, and that substance is methamphetamine,
21 in violation of 21 United States Code Section 846, and 21
22 United States Code Sections 841(a)(1) and (b)(1)(B).

23 Now, the things the government has to prove to a
24 jury beyond a reasonable doubt to cause you to be convicted of
25 that offense, if you were to persist in your plea of not

1 guilty, are the following:

2 First, that two or more persons, directly or
3 indirectly, reached an agreement to distribute or possess with
4 intent to distribute a controlled substance as charged in the
5 indictment.

6 Second, that the defendant knew of the unlawful
7 purpose of the agreement.

8 Third, that the defendant joined in the agreement
9 willfully, that is, with the intent to further its unlawful
10 purpose.

11 And fourth, that the overall scope of the conspiracy
12 involved at least 50 grams of a mixture or substance
13 containing a detectable amount of methamphetamine, a Schedule
14 II controlled substance.

15 Defendant Milson, do you understand the facts I've
16 just enumerated are the ones the government would have to
17 prove to a jury beyond a reasonable doubt to cause you to be
18 convicted of the offense charged --

19 *DEFENDANT MILSON:* Yes, Your Honor, I understand.

20 *THE COURT:* -- by the indictment in this case?

21 *DEFENDANT MILSON:* Yes, Your Honor, I understand.

22 *THE COURT:* And do you admit that those facts exist
23 in this case as to you?

24 *DEFENDANT MILSON:* Yes, sir, I do.

25 *THE COURT:* Defendant Vickers, do you understand the

1 facts I've just enumerated are the facts the government has to
2 prove to a jury beyond a reasonable doubt to cause you to be
3 convicted of the offense charged by the indictment in this
4 case?

5 *DEFENDANT VICKERS:* Yes, Your Honor.

6 *THE COURT:* And do you admit that those facts exist
7 as to you?

8 *DEFENDANT VICKERS:* Yes, Your Honor.

9 *THE COURT:* The next thing I'm going to review with
10 each of you are the punishments you're subjecting yourself to
11 by a plea of guilty to the offense charged by the indictment,
12 and that punishment consists of a term of imprisonment that
13 would have to be at least 5 years and could be as much as 40
14 years; plus, payment of a \$5,000 -- \$5 million fine; plus,
15 service of a term of supervised release that would have to be
16 at least 4 years and could be as much as life, and that would
17 start once you've completed your sentence of imprisonment;
18 plus, you would be obligated to pay a special assessment of
19 \$100, and that would be payable at the time of sentencing.

20 Plus, if you were to violate any condition of that
21 supervised release I mentioned, it could be revoked and you
22 could be sent back to prison and could be required to serve
23 another term of imprisonment that could be as long as your
24 term of supervised release.

25 Defendant Milson, do you understand that you're

1 subjecting yourself to all of those penalties and punishments
2 if you plead guilty?

3 *DEFENDANT MILSON:* Yes, Your Honor, I do.

4 *THE COURT:* Defendant Vickers, do you understand
5 you're subjecting yourself to all of those penalties and
6 punishments if you plead guilty?

7 *DEFENDANT VICKERS:* Yes, Your Honor.

8 *THE COURT:* Okay. Defendant Vickers, why don't you
9 and your attorney be seated a second, and I'll come right back
10 to you.

11 And Defendant Milson, why don't you and your
12 attorney come back up to the podium.

13 (Continuing with Defendant Milson only:)

14 *THE COURT:* Before I go any further, Defendant
15 Milson, let me get some personal information about you.

16 What is your age and date of birth?

17 *DEFENDANT MILSON:* I'm 39 years old, Your Honor, and
18 my date of birth is XXXXXX, 1977.

19 *THE COURT:* How far did you go in school?

20 *DEFENDANT MILSON:* I've got a GED. I went to the
21 tenth grade and got a GED.

22 *THE COURT:* Okay. Where did you go to school?

23 *DEFENDANT MILSON:* I went to Everman High School.
24 Everman, right south of Fort Worth.

25 *THE COURT:* Okay. What kind of work have you done

1 over the years?

2 *DEFENDANT MILSON:* I've done -- I welded for a
3 while. I've done a lot of construction work, all aspects from
4 concrete, to framing, to roofing, to general -- general
5 contract labor building houses.

6 *THE COURT:* Okay. Have you -- are you now under the
7 care of a physician or psychiatrist for anything?

8 *DEFENDANT MILSON:* Not currently, no, sir.

9 *THE COURT:* Have you been at any time in the last
10 six months?

11 *DEFENDANT MILSON:* No, sir, not in the last six
12 months.

13 *THE COURT:* Have you ever been hospitalized or
14 treated for narcotics addiction or alcoholism?

15 *DEFENDANT MILSON:* I was treated -- I went to the
16 Pine Street Rehabilitation Center about a year, a little over
17 a year ago.

18 *THE COURT:* Was that in connection with some
19 criminal proceeding?

20 *DEFENDANT MILSON:* No, sir. That was my own -- of
21 my own self admittance.

22 *THE COURT:* Well, did it do any good?

23 *DEFENDANT MILSON:* Well, yes, sir. My girlfriend
24 was pregnant with our child, and in order for her to go, we
25 both went in order to get clean so we would -- so she could

1 have our child clean and free of drugs.

2 *THE COURT:* Okay. As far as you're concerned, do
3 you suffer from any kind of emotional or mental disability or
4 problem?

5 *DEFENDANT MILSON:* Yes, sir, I do.

6 *THE COURT:* What is that?

7 *DEFENDANT MILSON:* I've -- I've got -- I believe
8 I'm -- I have PTSD, Your Honor, and maybe ADHD and bipolar
9 along with it.

10 *THE COURT:* How did you get --

11 *DEFENDANT MILSON:* I witnessed my father die when I
12 was 12 years old. I witnessed him drown trying to save
13 another man, and that had a pretty good --

14 *THE COURT:* And that's how you got the
15 Post-Traumatic Stress Syndrome?

16 *DEFENDANT MILSON:* Yes, sir.

17 *MR. COUCH:* Judge, if I might intercede. Mr. Milson
18 called me yesterday, and I visited this morning about this
19 issue, and apparently he has had a temporary diagnosis of PTSD
20 that came out of the CPS involvement, and he is anxious to be
21 able to have himself diagnosed at some point to determine if
22 he does have PTSD, and that's what he asked me yesterday to
23 inquire about.

24 My -- my response was that those things will
25 probably come out in the presentence investigation report at

1 some point, and if there's a need for further evaluation, we
2 could probably address it at that time.

3 *THE COURT:* Okay. And have you had any professional
4 person say what your problems are?

5 *DEFENDANT MILSON:* Yes, sir. I was -- I was
6 recommended by Judge Neill in Johnson County out of the 471st
7 District Court to have a psychiatric evaluation in reference
8 to a CPS case, and I went to Pecan Valley MHMR in Hood County,
9 where I was residing at, and they gave me a temporary
10 diagnosis and that was in August of 2015. Six months later
11 was when this indictment came out, so I never -- I never
12 finished following through with the treatment or the diagnosis
13 process.

14 *THE COURT:* Well, have you ever taken any medicine
15 for any of the conditions you mentioned?

16 *DEFENDANT MILSON:* Yes, sir. They prescribed me
17 Latuda at Pecan Valley.

18 *THE COURT:* What was it they prescribed?

19 *DEFENDANT MILSON:* Latuda. It's L-U-T-A-D-A (sic).

20 *THE COURT:* Have you been taking that?

21 *DEFENDANT MILSON:* I haven't taken it in the last
22 six months, no, sir.

23 *THE COURT:* Well, did it seem to help?

24 *DEFENDANT MILSON:* It made a difference, yes, sir.

25 *THE COURT:* Okay. Have you taken any kind of

1 medication for whatever emotional problems you might have in
2 the last six months?

3 *DEFENDANT MILSON:* No, sir, not in the last six
4 months. I did -- I did put in a medical request to the staff
5 at Parker County, and I spoke -- I had a video conference with
6 a man that prescribes or puts in a recommendation for
7 prescriptions, and I just haven't -- they haven't put in the
8 prescription for me yet. That was just early this week.

9 *THE COURT:* Okay. Are you now under the influence
10 of alcohol or any kind of drug?

11 *DEFENDANT MILSON:* No, sir.

12 *THE COURT:* Now, as far as you're concerned, are you
13 of sound mind so you know what's going on from time to time?

14 *DEFENDANT MILSON:* Yes, sir.

15 *THE COURT:* You understand you're here today with
16 the intent to plead guilty to the offense charged by the
17 second superseding indictment in this case, that is, the
18 offense of conspiracy to possess with intent to distribute a
19 controlled substance?

20 Do you understand that?

21 *DEFENDANT MILSON:* Yes, Your Honor, I understand
22 that.

23 *THE COURT:* Do you have any reason to think,
24 Mr. Couch, that your client's not fully competent to enter
25 such a plea?

1 MR. COUCH: No, Your Honor.

2 THE COURT: Or that such a plea would not be knowing
3 and voluntary on the part of your client?

4 MR. COUCH: No, sir.

5 THE COURT: You have received a copy of this second
6 superseding indictment, you've read it and understand exactly
7 what you're charged with?

8 DEFENDANT MILSON: Yes, Your Honor.

9 THE COURT: Okay. Unless there's a waiver of the
10 reading of it, I'm going to have it read aloud at this time.

11 MR. COUCH: We'll waive the reading, Your Honor.

12 THE COURT: I have a document that's been handed up
13 to me, Mr. Milson, that looks like it's been signed by you.
14 It's called a Factual Resume. I'll hold it up, so you can see
15 what I'm talking about.

16 Do you see that document?

17 DEFENDANT MILSON: Yes, sir, I do.

18 THE COURT: Did you sign it?

19 DEFENDANT MILSON: Yes, Your Honor.

20 THE COURT: And did you read it before you signed
21 it?

22 DEFENDANT MILSON: Yes, sir, I did.

23 THE COURT: And did you understand everything it
24 said before you signed it?

25 DEFENDANT MILSON: Yes, Your Honor.

1 THE COURT: And did you discuss it with Mr. Couch
2 before you signed it, so you would know the legal meaning of
3 everything in it and the legal effect of signing it?

4 DEFENDANT MILSON: Yes, sir, I have. Yes, I did.

5 THE COURT: And did you understand what Mr. Couch
6 told you?

7 DEFENDANT MILSON: Yes, Your Honor.

8 THE COURT: Have you been satisfied with Mr. Couch
9 as your lawyer?

10 DEFENDANT MILSON: Yes, sir.

11 THE COURT: Do you have any complaint whatsoever
12 with anything he's done or failed to do during the time he's
13 been representing you?

14 DEFENDANT MILSON: Not currently, no, sir.

15 THE COURT: Mr. Couch, I take it your client's
16 willing to plead guilty without a plea agreement because he's
17 just charged in one count in the second superseding
18 indictment?

19 MR. COUCH: Yes, sir.

20 THE COURT: Mr. Milson, do you have any deal or
21 understanding or agreement of any kind, directly or through
22 your attorney, with the government?

23 DEFENDANT MILSON: No, sir, I don't.

24 THE COURT: Has anyone used any force or made any
25 promise or assurance to you of any kind or threatened you in

1 any way in an effort to induce you to enter a plea of guilty
2 in this case?

3 *DEFENDANT MILSON:* No, Your Honor.

4 *THE COURT:* Has anyone mentally, physically, or in
5 any other way attempted in any way to force you to plead
6 guilty?

7 *DEFENDANT MILSON:* No, Your Honor.

8 *THE COURT:* If you plead guilty, will that plea be
9 voluntary on your part?

10 *DEFENDANT MILSON:* Yes, sir, it will.

11 *THE COURT:* Do you understand that if you plead
12 guilty and if that plea is accepted by the Court, you will be
13 adjudged guilty of the offense charged by the second
14 superseding indictment in this case, and your punishment will
15 be assessed somewhere within the range of punishment provided
16 by statute and your sentence will be within the range provided
17 by statute?

18 *DEFENDANT MILSON:* Yes, Your Honor, I understand.

19 *THE COURT:* Do you understand that if you enter a
20 plea of guilty and then it turns out you get a sentence that's
21 more severe than you hoped it would be, you'll still be bound
22 by your plea of guilty and won't have a right to withdraw it?

23 *DEFENDANT MILSON:* Yes, sir.

24 *THE COURT:* With the knowledge you now have, how do
25 you plead to the offense charged by the second superseding

1 indictment in this case, guilty or not guilty?

2 *DEFENDANT MILSON:* Guilty, Your Honor.

3 *THE COURT:* And is that consistent with your advice
4 to the defendant, Mr. Couch?

5 *MR. COUCH:* It is.

6 *THE COURT:* Okay. I'll accept that on condition
7 that there is a factual basis to support it, and I'll ask at
8 this time that the stipulated facts in the Factual Resume be
9 read aloud.

10 *MR. SMITH:* In 2014 and 2015, Joshua James Milson
11 received ounce quantities of methamphetamine from others. In
12 turn, Joshua James Milson distributed methamphetamine to
13 various customers in the Fort Worth and Arlington, Texas
14 areas. In this manner, Joshua James Milson conspired to
15 possess with intent to distribute more than 50 grams of
16 methamphetamine.

17 *THE COURT:* He conspired by himself?

18 *MR. SMITH:* With others. With others, Your Honor.

19 *THE COURT:* Okay. You've heard the stipulated facts
20 read, Mr. Milson.

21 Are all those facts true?

22 *DEFENDANT MILSON:* Yes, Your Honor.

23 *THE COURT:* Are they consistent with your
24 understanding of the true facts, Mr. Couch?

25 *MR. COUCH:* Yes, sir.

1 *THE COURT:* Okay. The Court will order the Factual
2 Resume filed.

3 The Court finds in the case of United States of
4 America versus Joshua James Milson that the defendant is fully
5 competent and capable of entering an informed plea, and that
6 his plea of guilty to the offense charged by the second
7 superseding indictment in this case is a knowing and voluntary
8 plea supported by an independent basis in fact containing each
9 of the essential elements of that offense, and that such plea
10 did not result from force, threats, or promises.

11 His plea of guilty is, therefore, accepted, and he
12 is now adjudged guilty of the offense charged by the second
13 superseding indictment.

14 Okay. The defendant's remanded to custody, and the
15 attorneys are -- or Mr. Couch is excused.

16 *MR. COUCH:* Thank you.

17 *(End of Proceedings)*
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REPORTER'S CERTIFICATE

I, Debra G. Saenz, CSR, RMR, CRR, certify that the foregoing is a true and correct transcript from the record of proceedings in the foregoing entitled matter.

I further certify that the transcript fees format comply with those prescribed by the Court and the Judicial Conference of the United States.

Signed this 31st day of May, 2017.

/s/ Debra G. Saenz

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